



2001-014-378

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General Services Administration
FAR Secretariat (MVP)
1800 F Street, N.W., Room 4035
Washington, D.C. 20405
Attn: Laurie Duarte

Re: FAR Case 2001-014

I am writing to express my support for the Federal Acquisition Regulations (FAR) Council's proposal to repeal the Clinton administration's rules on federal contractor responsibility. The rule would require each prospective contractor, under penalty of criminal liability for false swearing, to certify the contractor's compliance with all federal, state and foreign labor, employment, tax environmental, antitrust, and "consumer protection" laws and regulations over the previous three years

The rule would also force contracting officers to make determinations concerning the contractor's satisfactory compliance with such laws and regulations based on vague criteria, leading to inconsistent application.

Punitive and unnecessary, this rule would have a devastating effect on federal contracting. Contrary to the spirit of earlier procurement streamlining reform, the rule would result in uncertainties, increased legal challenges, wasteful delays, and unwarranted new regulatory burdens. The rule lacks a rational basis because it has effectively removed any nexus between the government's determination of responsibility and a contractor's ability to perform a contract.

I believe existing laws, regulations and penalties, when properly and consistently utilized and enforced, do ensure contractor responsibility.

I urge the FAR Council to repeal the contractor responsibility rules.

Sincerely,

Tabitha A. Yothers
Senior Manager
GMD Federal Schedule
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